

TFW



PATENT
Attorney Docket No. 223467
Client Reference No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Woo et al.

Group Art Unit: 1623

Application No. 10/802,282

Examiner: Unassigned

Filed: March 17, 2004

For: LYOPHILIZED AZITHROMYCIN
FORMULATION

INFORMATION DISCLOSURE STATEMENT

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

or

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☐ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- ☒ This patent application was filed after June 30, 2003. Accordingly, copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith (see Official Gazette Notice of August 5, 2003). Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☒ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were

furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ **No fee** is owed by the applicant(s).
☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

In re Appln. of Woo et al.
Application No. 10/802,282

Method of Payment of Fees

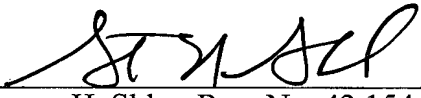
- ☐ Attached is a check in the amount of \$.
☐ Charge Deposit Account No. 12-1216 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

- ☒ Credit Account No. 12-1216.
☐ Refund



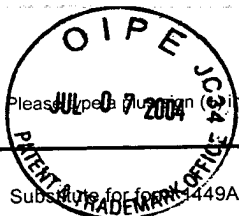
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Date: June 29, 2004

CERTIFICATE OF MAILING

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 29, 2004 Jennifer Beedles



Substitute for form 449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number 10/802,282
Filing Date March 17, 2004
First Named Inventor Woo et al.
Group Art Unit 1623
Examiner Name Unassigned
Attorney Docket Number 223467

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	AA	4,328,334	A	KOBREHEL et al.	May 4, 1982	
	AB	4,474,768	A	BRIGHT	Oct. 2, 1984	
	AC	4,517,359	A	KOBREHEL et al.	May 14, 1985	
	AD	5,605,889	A	CURATOLO et al.	Feb. 25, 1997	
	AE	6,013,778	A	HEGGIE et al.	Jan. 11, 2000	
	AF	6,245,903	B1	KARIMIAN et al.	Jun. 12, 2001	
	AG	6,268,489	B1	ALLEN et al.	Jul. 31, 2001	
	AH	6,365,574	B2	SINGER et al.	Apr. 2, 2002	
	AI	2001/0047089	A1	ARONHIME et al.	Nov. 29, 2001	
	AJ	2002/0007049	A1	SINGER et al.	Jan. 17, 2002	
	AK	2003/0139583	A1	SINGH et al.	Jul. 24, 2003	
	AL	2003/0143259	A1	ROY et al.	Jul. 31, 2003	
	AM	2003/0162730	A1	LI et al.	Aug. 28, 2003	
	AN	2003/0176369	A1	TENENGAUZER et al.	Sep. 18, 2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	AO	EP	1 103 558	B1	Astur-Pharma, S.A.	May 30, 2001		
	AP	WO	00/32203	A1	TEVA PHARMACEUTICALS USA, INC.	June 8, 2000		
	AQ	WO	02/07736	A1	CADILA PHARMACEUTICALS LIMITED et al.	Jan. 31, 2002		
	AR	WO	02/087596	A3	PLIVA d.d.	Nov. 7, 2002		

OTHER - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**
	AS	PFIZER LABS, Division of Pfizer Inc., NY, NY 10017, "Zithromax," 69-4763-00-7 (October 2002)		
	AT	PFIZER LABS, Division of Pfizer Inc., NY, NY 10017, "Zithromax," 70-5179-00-1 (October 2002)		

Examiner Signature

Date Considered

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yang, et al.

Docket No: KCX-729 (18104)

Serial No: 10/742,590

Group No: 1743

Confirmation No: 3937

Examiner: Unknown

Customer No: 22827

Filed: December 19, 2003

Date: July 12, 2004

For: Flow-Through Assay Devices

RELATED U.S. PATENT APPLICATIONS

ASSISTANT COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

The following commonly assigned U.S. Patent Applications are being cited to the Examiner for review and consideration. Enclosed please find copies of these applications. Once the applications have been reviewed, it is requested that the Examiner place his or her initial to the left of the identified patents on the list document to indicate that the specific patent applications have been considered.

RELATED U.S. APPLICATIONS

<u>Examiner's Initial</u>	<u>Inventor</u>	<u>Serial Number</u>	<u>Filing Date</u>	<u>Title of Application</u>
_____	Wei, et al.	10/325,429 (KCX-570)	12/19/2002	Self-Calibrated Flow-Through Assay Devices
_____	Yang, et al.	10/406,577 (KCX-634)	04/03/2003	Assay Devices That Utilize Hollow Particles
_____	Wei, et al.	10/325,614 (KCX-642)	12/19/2002	Reduction Of The Hook Effect In Membrane-Based Assay Devices
_____	Wei, et al.	10/406,631 (KCX-650)	04/03/2003	Reduction Of The Hook Effect In Assay Devices

_____	Wei, et al.	10/718,997 (KCX-691)	11/21/2003	Extension Of The Dynamic Detection Range Of Assay Devices
_____	Xuedong Song	10/719,976 (KCX-693)	11/21/2003	Method For Extending The Dynamic Detection Range Of Assay Devices
_____	Yang, et al.	10/741,434 (KCX-727)	12/19/2003	Laminated Assay Devices
_____	Yang, et al.	10/742,589 (KCX-728)	12/19/2003	Flow Control Of Electrochemical-Based Assay Devices
_____	Xuedong Song	10/718,989 (KCX-741)	11/21/2003	Membrane-Based Lateral Flow Assay Devices That Utilize Phosphorescent Detection
_____	Ning Wei	10/718,996 (KCX-742)	11/21/2003	Method Of Reducing The Sensitivity Of Assay Devices
_____	David S. Cohen	10/836,093 (KCX-826)	04/30/2004	Optical Detection Systems
_____	Boga, et al.	10/790,617 (KCX-827)	03/01/2004	Assay Devices Utilizing Chemichronic Dyes